

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 23, 2001
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Titus James, North Heights Christian Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The minutes of the regular meeting of January 9, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

SERVICE CITATION Distinguished Service Citations were presented.

PROCLAMATIONS Proclamations previously approved were presented.

YOUTH SERVICE Wichita's Promise – Youth Community Service Awards were presented.

NEW BUSINESS**NAMING LIBRARY NAMING OF NEW SOUTH REGIONAL BRANCH LIBRARY.**

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 01-0064.

City Council Policy 13 specifies the requirements for naming public facilities "...in accordance with their intended use and, where appropriate, to recognize distinguished citizens by naming public facilities in their memory."

In 2002, a new library facility is scheduled to open in the southern portion of Wichita. The library will serve a significant area and is one of the biggest investments the City will make in terms of public facilities for some time to come. Therefore, this facility represents an opportunity to offer a considerable amount of recognition upon an individual.

Lionel Alford died of cancer on October 24, 2000. Mr. Alford was a highly respected business and civic leader who was key to the success of many significant initiatives in this community. He led Boeing Wichita's transformation during the 1980's from the brink of closure into the state's largest private employer and key facility to the

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Boeing Company's worldwide operation. Mr. Alford led efforts to establish the Kansas Foodbank Warehouse that feeds thousands of people; and, was instrumental in civic efforts such as WI/SE to promote redevelopment activities in downtown Wichita. He most recently offered critical support and guidance to the passage of USD 259's \$285 million bond issue to modernize public school facilities--the largest such initiative in state history.

An Advisory Committee consisting of seven members—one nominated by the Mayor and one nominated by each Council Member—was established to review and suggest possible names for the library.

The Advisory Committee met Wednesday, January 10, 2001 to discuss possible names and make a recommendation to the Mayor and Council. The committee decided to unanimously recommend the new south regional library be named in recognition of Mr. Alford.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Gale moved that the name of Lionel D. Alford Branch Library be approved for the new south regional facility. Motion carried 7 to 0.

FIREWORKS

REVIEW OF FIREWORKS SALE AND DISCHARGE WITHIN THE CITY.

Chris Cherches

City Manager reviewed the Item.

Agenda Report 01-0065.

City Ordinance (#15.01.010), now prohibits the storage, use and handling of fireworks. Within the City limits, the exception in the Code is the use of fireworks for display, requiring a permit (Article 7801.3.1.2). In 1986, the Fire Department allowed the sale of "novelty items" including Party Poppers, Snappers, GlowWorms and Sparklers. Since that time, the Fire Department has expanded the use of novelty items to include those that shoot a shower of sparks no higher than 6 feet. Several communities near Wichita - including Andover, Goddard, Clearwater, Derby, Mulvane and others have legalized the sale and use of more powerful fireworks within their corporate boundaries. As a result, fireworks are frequently purchased legally in these communities but discharged illegally in Wichita.

Enforcement of the current ordinance in Wichita has been difficult to effectively control the illegal discharge of fireworks because they are permitted to be sold and discharged in nearby communities. Often, the citizens are not aware of the ban on fireworks discharging (within Wichita) and unknowingly violate the fireworks prohibition. In spite of past efforts by Police and Fire personnel to curtail illegal fireworks, enforcement has become less effective (in recent years) as the numbers of complaints, alarms, and cases requiring medical attention continue to increase. During the Fourth of July period, public safety personnel are extremely busy responding to neighborhood complaints which interfere with many other duties and activities of the police and fire personnel. In addition to easy access to illegal fireworks, some Wichita residents believe the current ordinance is too restrictive and choose to discharge illegal types of fireworks in spite of the City Ordinance.

In response to the growing number of complaints and the increased accidents and medical responses by public safety personnel, the Council directed a review of the current ordinance and comments from the District Advisory Boards as to whether or not the current ordinances should be revised and/or retained.

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Under current laws, fireworks can be sold/discharged only between the 27th day of June and the 5th day of July. The following data reflects the issues of concern for fireworks-related incidents in Wichita during the ten-day period.

- ? Medical attention was provided to 43 people in 2000 as compared to 25 in 1999, a 58% increase.
- ? The Fire Department responded to 26 alarms in 2000, higher than the annual average of 22 for 1995-1999.
- ? The Police Department responded to 220 complaints in 2000 as compared to 138 in 1999, a 62% increase.
- ? The total dollar loss to property due to fireworks was \$10,150 in 2000, compared to the average annual dollar loss of \$28,548 based on the five-year period of 1995-1999.

In considering this item, the District Advisory Boards (DAB) recognized a distinct difference in citizen opinion—many residents expressed the need for the City to increase efforts to enforce the ordinances while others desire the freedom to traditionally celebrate the holiday with a variety of fireworks. As a result, a variety of recommendations were proposed by the six District Advisory Boards including:

- 1) amend the existing ordinance to allow a greater variety of legal fireworks within the city limits that could be displayed by neighborhoods/groups in designated areas supervised by Police and Fire Departments if group is appropriately trained and approved through a permitting process
- 2) conduct a public education campaign from mid-June through mid-July informing citizens about the local fireworks ordinances, appealing for common sense and safety while discharging fireworks
- 3) increase the enforcement of the existing ordinance, using larger fines collected for violations to fund a public education campaign.

Although specific costs of enforcement of the existing fireworks have not yet been fully identified, it is excessive considering the impact on public safety services during this holiday. If consideration is given to a public education campaign, added costs will be incurred. To provide for more enforcement, even though it is acknowledged that public safety personnel cannot totally respond to all random discharging violations throughout the City, increased staffing will be required if Council desires to provide oversight of neighborhood firework displays, management of an expanded permit program - including citizen training, and management of increased citing of violations and collection of fines.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the existing Ordinance (which encourages more fireworks precaution and safety along with the Fire Department continuing to collect information for further consideration) be retained. Motion carried 7 to 0.

-- carried

PARKING ORD.

ORDINANCE AMENDMENTS PERTAINING TO PARKING.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0066.

Council Member Lambke requested City staff draft amendments to the City's parking ordinance due to complaints regarding commercial and recreational vehicles being parked in residential areas. The proposed amendments to the parking ordinance

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prohibited commercial and recreational vehicles from being parked on the street in residential areas for periods in excess of two hours.

The City Council considered this agenda item on September 26, 2000. The Council action was to defer this item until the District Advisory Boards could review and provide comments/recommendations.

The amendments considered by the District Advisory Boards would:

- ? Prohibit vehicles used for commercial purposes weighing more than 12,000 pounds gross vehicle weight and used for commercial purposes from being parked in residential areas for longer than two hours.
- ? Commercial vehicles with a gross weight of less than 26,000 pounds are currently allowed, by the zoning code, to be parked in the driveways of residential properties.
- ? Prohibit Motorized recreational vehicles from being parked on the street for more than two hours.
- ? Detached travel trailers are expressly prohibited from being parked on the street for any period of time pursuant to Section 11.52.060(b).

The proposed amendments also prohibit vehicles from being parked on the same side of the street for more than two hours in the core area and in limited parking zones. The ordinance requires that all periods of time that a vehicle is parked in these areas be considered in determining if a violation of the two hour period has occurred. (This provision is to prohibit situations where vehicles were moved a short distance in two hours or less to avoid the provisions of the existing ordinance.)

Review of the proposed ordinance amendments by the District Advisory Boards provided a number of different recommendations, including:

District Advisory Board I: No recommendation, but provided the following suggestions. 1) Extend the current two-hour limit to six hours; 2) Implement a two day limit to accommodate out-of-town and/or holiday guests; 3) Implement a special circumstances clause; and 4) Issue temporary permits.

District Advisory Board II: Unanimously recommended adopting the proposed ordinance as written.

District Advisory Board III: Unanimously recommended the City Council revise the ordinance so that is clearly defined, enabling law enforcement officers to take any necessary actions.

District Advisory Board IV: Unanimously voted to support the status quo.

District Advisory Board V: Split vote to recommend that separate ordinances be created for each type of vehicle (recreational and commercial). Opponents of the motion supported no restrictions by ordinance, and expressed a desire for residents to resolve parking problems themselves.

District Advisory Board VI: Unanimously recommended that recreational vehicles be removed from the parking ordinance and that the proposed two hour time limit exclude recreational vehicles.

Based upon the review of this issue by the District Advisory Boards, there is no clear direction on amendments to the current parking ordinance. The following options are suggested for City Council consideration:

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Option 1. Retain the status quo;
Option 2. Adopt the proposed ordinance, or with amendments;
Option 3. Continue to allow vehicles with a gross maximum weight of up to 26,000 pounds to be parked in driveways of residential properties. Continue the current ordinance that disallows commercial vehicles with 26,000 pounds or more gross vehicle weight to be parked on residential streets for longer than two hours or on residential driveways for longer than 72 hours. Continue the current ordinance to allow recreational vehicles to temporarily park in driveways for no longer than 72 hours and be "stored" (currently defined as longer than 72 hours) in rear and side yards. Amend the current ordinance to allow street parking for a recreational vehicle only if the Police Department issues a permit. The permit must provide evidence of neighborhood approval. The permit application must be reviewed and approved by Police to determine that the recreational vehicle does not impede traffic and hinder visibility; generate excessive noise; and is a visual nuisance.

There is no financial impact from the amendment of this ordinance other than enforcement, judicial and response calls from citizen complaints.

Amendments to the City's ordinance are required for Options 2 and 3

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Thomas Blake Thomas Blake inquired as to whether automobiles were included.

Gary Rebenstorf Director of Law explained that this item pertained to commercial and recreational vehicles only.

Council Member Cole Council Member Cole said there are areas without driveways from the street and the ordinance would be difficult with a two-hour limit.

The Ordinance is usually enforced by complaint. Since neighbors usually do not call when people are seen moving in and out of the recreational vehicle, she could support the proposed ordinance.

Motion -- carried Lambke moved that the Ordinance be placed on first reading. Motion carried 7 to

ORDINANCE

An Ordinance amending Sections 11.04.105, 11.04.245, 11.04.316, 11.04.350, 11.04.380, 11.04/385, 11.52.020, and 11.52.055 and creating Section 11.04.271, all pertaining to parking and repealing the originals of Sections 11.04.105, 11.04.245, 11.04.316, 11.04.350, 11.04.380, 11.04/385, 11.52.020, and 11.52.055, introduced and under the rules laid over.

(The following Item was considered later in the meeting; action is shown in Agenda order.)

SSMID

ESTABLISHMENT OF DOWNTOWN SELF-SUPPORTING MUNICIPAL IMPROVEMENT DISTRICT (SSMID). (District VI)

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 00-0067.

The Self-Supported Municipal Improvement District (SSMID) was first proposed by downtown property and business owners in 1998. At that time, more than 60% of downtown property owners signed petitions supporting the creation of the SSMID;

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however, the City determined to not proceed at that time. Recently, the City and the Downtown Development Corporation have reactivated the SSMID concept to help advance the marketing, management and development of downtown.

The proposed Downtown Wichita Self-Supported Municipal Improvement District is being implemented pursuant to state statutes that provide for the establishment of a SSMID by the City Council, on its own motion. The law requires that a public hearing be conducted by the City Council, pursuant to a Notice that is mailed to all property owners in the proposed District and published three times in the City's official newspaper. After 30 days following the public hearing, the City Council may adopt an ordinance establishing the SSMID and setting forth the terms and conditions for its operation, governance, financing and termination.

The proposed Downtown Municipal Improvement District is described as "a private sector initiative to manage and improve the downtown environment with services financed by a self-imposed and self-governed assessment on properties and/or businesses."

The Operating Plan for the proposed SSMID contemplates a three or four-person staff, employed by the Downtown Development Corporation, with an estimated annual budget of \$426,000, funded by the SSMID assessment, that would focus its efforts in three major program areas:

1. Image enhancement and marketing programs
2. Business retention and recruitment initiatives
3. Urban vitality improvements

The boundaries of the proposed SSMID, generally describe the area from the Arkansas River to Washington and Kellogg to Central. Under the terms of the SSMID statutes and the proposed SSMID plan, all taxable property within this area would be assessed at a rate set each year by the City Council based on an approved SSMID budget for that year. It is proposed that the maximum assessment rate for any year would be set at 10 mills.

The 2000 assessed valuation of property located in the proposed SSMID area is approximately \$60 million. Based on this valuation, the proposed \$426,000 budget could be funded with a 7.2 mill assessment.

The proposed term of the SSMID is ten (10) years. A SSMID Advisory Board is proposed for the purpose of developing and recommending assessments, budgets, programs and policies for the District to the City Council. It would be appointed by the City Council and comprised of property owners and business owners from all parts of the District as well as non-voting representatives from the City and Downtown Development Corporation.

SSMID assessments will be billed to property owners by the County Treasurer as part of each year's property tax statement. Assessments will be collected by the County Treasurer and distributed to the City along with property taxes. If the SSMID is established (prior to May 2001), the first distribution of SSMID assessment revenues will occur in January 2002.

The City Council cannot adopt the ordinance establishing the SSMID earlier than 30 days following the closing of the public hearing. The SSMID cannot be established if the City Clerk receives a protest petition prior to final adoption of the ordinance, signed by at least 40% of the owners of property within the proposed SSMID, or by property owners whose property comprises at least 40% of the assessed valuation of all property within the proposed district.

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As required by law, the Wichita-Sedgwick County Metropolitan Planning Commission has considered the proposal to establish the downtown SSMID at their regular meeting on

January 12, 2001. By unanimous vote, the MAPC adopted a resolution finding that the creation of the proposed SSMID is consistent with the Comprehensive Plan for the development of the City.

Harvey Sorenson Harvey Sorenson, Chair of Wichita Downtown Association, reviewed development background and process.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Speakers: Tom Docking - Downtown booster, urged approval.
Tim Witsman - Chamber of Commerce, urged approval.
James Crawford, Downtown property owner, does not mind tax but wants results; objected to the proposed contract.
without state representation.
John Myers - Wichita Scottish Rites, spoke against.
Mike Kelly - CEO Midian Shrine, spoke against.
Eric Schmidt - Fishhouse, spoke against.
David Burk - property owner, spoke in favor.
Steven Wagle - property owner, spoke against.
Grant Hewitt - 228 North Market, spoke against.
Thomas Blake - Petroleum Building owner, spoke against.
William Myers - Gift Sales, spoke against.
Mike Relihan - Downtown business owner, spoke against.

(The Council took up Item 5; action shown with the item in Agenda order and then returned to this Item.)

Gary Rebenstorf Director of Law reviewed the process and explained that the next time this Item is on the Agenda, there will not be a public hearing.

Motion -- Knight moved that public hearing be closed; the comments be received and filed, the MAPC findings be filed; and that final actions be scheduled for February 27, 2001.
-- carried Motion carried 7 to 0.

BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE (SERIES 202); GENERAL OBLIGATION BOND SALE (SERIES 764).

Agenda Report No. 00-0068.

The City is offering for sale one series of General Obligation Temporary Notes totaling \$34,090,000 and one series of General Obligation Bonds totaling \$7,765,000 for the purpose of providing temporary and permanent financing for duly authorized capital improvement projects of the City.

The proceeds of the Series 202 Temporary Notes will be used to provide interim financing for various City-at-large and improvement district projects. The proceeds of the Series 764 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through Thomson Financial Municipals Group BiDCOMP/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at

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11:30 a.m. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 202 Temporary Notes will mature August 23, 2001, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 764 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 764 Bonds will be callable in 2008 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Bond Ordinances which have been prepared by Bond Counsel.

Ray Trail

Director of Finance reviewed the low bids as follows:

Notes – US Bancorp-Piper Jaffray	3.219693% True Interest Rate
Bonds – George K. Baum	4.477700% True Interest Rate

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the sale of the Bonds and Temporary Notes be awarded as outlined above; the Declaration of Emergency be approved and the Bond and Note Ordinances be adopted on

-- carried

first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE NO. 44-843

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 202, of the City of Wichita, Kansas, in the total principal amount of \$34,090,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-844

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 764, of the City of Wichita, Kansas, in the total principal amount of \$7,765,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the Bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of the interest on the Bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. . Knight moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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CITY COUNCIL AGENDA

COUNCIL COMP. COUNCIL COMPENSATION CHARTER ORDINANCE.

Council Member Cole Council Member Cole reviewed the Item.

Agenda Report No. 01-0069.

A state statute adopted in 1959 limited Council salaries to \$3,000 (\$4,000 for mayor). In 1974, the City Commission exempted the City of Wichita from this non-uniform statute to allow the City to establish its own terms of compensation for the governing body. In 1992, the City Council adopted a Charter Ordinance setting City Council compensation at \$14,000 and the Mayor's compensation at \$29,500, effective April 11, 1995. In addition, the Council is allowed an annual cost of living increase and an automobile allowance.

The proposed charter ordinance establishes new terms of compensation for City Council members and the Mayor. After April 10, 2001, the salaries for Council members would be \$30,000 annually; the Mayor's annual salary would be \$75,000. The Charter Ordinance retains the current provisions on annual cost of living increase (50% of CPI-U increase), in-lieu of social security payments, and an automobile allowance (as set by Council policy).

The adoption of the Charter Ordinance will require an adjustment of items in the 2001 budget.

The City has the authority under its Home Rule powers to set the compensation for the governing body. This is a Charter Ordinance and requires approval by 2/3rds of the Council.

The proposed Charter Ordinance establishes new terms of compensation for City Council Members and the Mayor.

Discussion was had and consensus was that this Item should be referred to the District Advisory Boards for public input.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Bill Cather Bill Cather said this proposal is extremely low.

James Barfield James Barfield said a pay scale of the proposed magnitude is out of order. Public servants should not receive the same pay as private service.

Motion -- Rogers moved that the Ordinance be placed on first reading.

Substitute Motion -- Knight moved a substitute motion that the Item be referred to DAB's to engender public participation and return with yes or no recommendation.

Cole stated that, hopefully, this Item could be returned to the City Council within 30 days.

-- carried Substitute motion carried 7 to 0.

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CAMPAIGN FINANCE CAMPAIGN FINANCE ORDINANCE.

Council Member Cole Council Member Cole reviewed the Item.

Agenda Report No. 01-0070.

The State Campaign Finance Act is applicable to campaigns for candidates for office in first class cities. The City of Wichita has also had its own Campaign Contribution and Expenditure Reports ordinance for a number of years. The City ordinance is more restrictive than the current State law in both the amount of contributions and in persons who may give contributions to candidates.

The proposed ordinance amends Section 2.56.030 on campaign contribution limits. It would raise the contribution that may be given to a candidate for City office from a maximum of \$250 to \$500 for each (primary and general) election. This is the same contribution limit for city elections as established by State law. THE ORDINANCE WILL NOT BECOME EFFECTIVE UNTIL AFTER THE CURRENT ELECTION (APRIL 10, 2001).

The City has the authority under its Home Rule powers to establish campaign finance regulations that are the same as or more restrictive than State law.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried Cole moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance pertaining to campaign contributions; amending Section 2.56.030 of the Code of the City of Wichita; and repealing the original of said Section, introduced and under the rules laid over.

SISTER CITIES SISTER CITIES REORGANIZATION. (REQUESTED BY COUNCIL MEMBER PISCOTTE)

Chris Cherches City Manager reviewed the Item.

Agenda Report No. 01-0121.

The Sister Cities Advisory Board was created in 1974 to be an advisory board to the City Council on matters relating to the City's implementation and continuation of the Sister Cities Program; its members are appointed by the City Council. Friends of Sister Cities, Inc. was launched in 1984 to provide volunteers and fund raising to support the projects of the Wichita Sister Cities Program; its Board of Directors are elected by the dues paying members of the Friends of Sister Cities.

Creation of a single entity for governance, fund raising and advising the City Council regarding the Sister Cities Program would provide a more cohesive program and eliminate communication problems and redundant monthly meetings.

The Sister Cities Advisory Board is provided \$10,700 annually from Convention & Tourism monies to pay for housing and entertainment of delegations visiting Wichita, interpreter travel, gifts and communications (fax, copying and postage). It is recommended that this allocation be continued and that control of this allocation be retained by the City for those same purposes.

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The Sister Cities Advisory Board was officially "sunsetted" at the end of 2000. Minor changes to the articles of Incorporation for the Friends of Sister Cities, Inc. would be necessary. Bylaws for the new entity would be drafted and submitted for approval.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Pisciotte moved that the Advisory and Friends of Sister Cities Boards be merged.
Motion
-- carried carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS.

Motion -- Cole appointed Bill Fox to the Alternative Correctional Housing Board and moved that the
-- carried appointment be approved. Motion carried 7 to 0.

Motion -- Rogers appointed Lila Williams to the Alternative Correctional Housing Board and moved that
-- carried the appointment be approved. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 21 and 29, be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 22, 2001.

Bids were opened January 12, and January 19, 2000, pursuant to advertisements published on:

Lateral 1, Main 11, Sanitary Sewer No. 23 Sawmill Creek Addition - east of Ridge, north of 45th Street North. (468-83170/743861/480549) Does not affect existing traffic. (District II)

Nowak Construction - \$151,038.00

Water distribution system to serve Sawmill Creek Addition - east of Rock, north of 45th Street North. (448-89511/734995/470666) Does not affect existing traffic. (District II)

Dondlinger & Sons - \$43,731.00

Water distribution system to serve Sawmill Creek Addition - east of Ridge, north of 45th Street North. (448-89509/734996/470665) Does not affect existing traffic. (District II)

McCullough Excavation, Inc. - \$85,434.20

2001 Planeview sanitary sewer reconstruction Phase 1 Planeview Addition - south of Pawnee, east of Hillside. (468-83193/622231/640339) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Dondlinger & Sons - \$143,319.00

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2001 sanitary sewer rehabilitation, Phase A - between 21st Street North and Kellogg from West Street to 127th Street East. (468-83192/620300/660425) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, VI)

Insituform Technologies - \$89,673.00

War Industries Sewer relief line Phase 3 - south of Harry, east of Oliver. (468-82930/623323/680325) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Garver Construction - \$4,221,364.00

Landscaping of the Intersection of Seneca and McCormick - south of Kellogg, west of the River. (472-83266 /706803/208258) Traffic to be maintained during construction using flagpersons and barricades. (District IV)

Green Glo Turf - \$4,845.00

Landscaping in connection with the widening of Central Avenue from I-235 to West Street - Central, I-235 to West Street. (472-83014/706762/208230) Traffic to be maintained during construction using flagpersons and barricades. (District IV, VI)

Green Glo Turf - \$19,890.00

Lateral 1, Main 1, Northwest Interceptor Sewer Newmarket Square Addition - north of 21st, west of Maize. (468-83188/743862/480550) Does not affect existing traffic. (District V)

WB Carter Construction - \$16,169.00

Water distribution system to serve Auburn Hills 12th Addition - south of Maple, west of 135th Street West. (448-89515/734994/470664) Does not affect existing traffic. (District V)

Nowak Construction - \$80,989.50

Water distribution system to serve Newmarket Square Addition - north of 21st, west of Maize. (448-89525/734997/470667) Does not affect existing traffic. (District V)

Mies Construction - \$61,000.00

Water distribution system to serve Willow Place and Sawmill Creek Additions - along 45th Street North, east of Rock. (448-89493/734992/470662) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$106,940.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT AUTHORITY DEPARTMENT/ENGINEERING DIVISION: Electrical Vault Improvements. (500880)

Snodgrass & Sons - \$210,433.00 (Subject to FAA Approval)

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Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB LICENSE

APPLICATION FOR LICENSE TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
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Pat Edwards	Sav-A-Trip, Inc. #29	11931 West Central
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Motion -- carried Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

DEEDS/ESMNTS: DEEDS AND EASEMENTS:

a) Easement dated December 18, 2000 from Paddy N. McCullough TTEE, for tracts of land in Lots 1 and 2, Block 3, West Warehouse Addition to Wichita, Kansas, and vacated Merton Avenue adjacent to said Lot 1 (Private Project, OCA #607861). No cost to City.

b) Easement dated November 22, 2000 from Paddy N. and Sylvia M. McCullough for a tract of land in vacated Merton Avenue adjacent to Lot 2, Block 3, West Warehouse Addition to Wichita, Kansas, (Private Project, OCA #607861). No cost to City.

c) Easement dated January 11, 2001 from James B. Kincaid for a tract of land in the SE 1/4 of the NE 1/4 of Sec. 31, Twp. 2S, R-1-E of the 6th P.M., Sedgwick County, Kansas (34th Street, OCA #132001). No cost to City.

d) Easement dated December 11, 2000 from Carl Hall for a tract of land in Lot 3, Robbins Addition (Lat. 165, SS #22, 468-83049, OCA #743820). No cost to City.

e) Waterline Easement dated January 4, 2001 from James P. Ruane, SVP Fidelity Bank, for a tract of land in Lot 5, Block 1, Newmarket Square, and addition to Sedgwick County, Kansas (Water Project, OCA #734997). No cost to City.

f) Waterline Easement dated January 2, 2001 from Larry Chambers, Vice President of Newmarket Square, LTD., for tracts of land in Lots 1-6, Block 1, Newmarket Square, and addition to Sedgwick County, Kansas (Water Project, OCA #734997). No cost to City.

g) Utility Easement dated January 2, 2001 from Larry Chambers, Vice President of Newmarket Square, LTD., for tracts of land in Lots 1 and 2, Block 1, Newmarket Square, and addition to Sedgwick County, Kansas (Sanitary Sewer Project, OCA #743862). No cost to City.

h) Easement for transmission of signals dated January 11, 2001, from Kenneth C. and Sandra Sue Doonan, for part of Lot 3, lock A, J. Robert Dry Addition.

Motion -- carried Knight moved that the documents be received and filed. Motion carried 7 to 0.

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WATER SYSTEM

WATER DISTRIBUTION SYSTEM TO SERVE PART OF WHITE TAIL ADDITION - SOUTH OF 13TH, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 01-0071.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide water service to a new church building.

The Petition totals \$16,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-020

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89537 (south of 13th Street, west of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

WATER SYSTEM

STORM WATER SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE LOT 1, BLOCK 1, CEDAR VIEW ADDITION - NORTH OF LINCOLN, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0072.

The Petitions have been signed by one owner representing 100% of the improvement districts.

These projects will provide a storm water sewer and water service to a new church building.

The Petitions total \$339,500. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-01-021

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89527, (north of Lincoln, east of Greenwich) the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-022

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer Number 547, (north of Lincoln, east of Greenwich) 468-83194, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

WATER LINE

PETITION FOR WATER LINE ALONG 45TH STREET NORTH - EAST OF ROCK ROAD. (District II)

Agenda Report No. 01-0073.

On August 22, 2000, the City Council approved a Petition for a water line to serve Willow Place Addition. A new Petition has been submitted to expand the project to include 45 Rock Road Industrial Park and Sawmill Addition. The signatures on the Petition represent 100% of the improvement district.

This project will provide water service for new residential and commercial development.

The Petition totals \$212,000 with \$143,000 assessed to the improvement district and \$69,000 paid by the Water Utility. The utility share is for the cost of oversizing the pipe to serve future development beyond the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion --
-- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-023

Resolution of findings of advisability and Resolution authorizing construction of a water line, Number 448-89493 (along 45th Street North, east of Rock Road), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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STORM WATER

AMENDED RESOLUTION: STORM WATER DRAIN TO SERVE WEST RIDGE ESTATES ADDITION - SOUTH OF 29TH STREET NORTH, EAST OF 119TH STREET WEST.

(District V)

Agenda Report No. 01-0074.

On May 2, 2000, the City Council approved a Petition for a Storm Water Drain to serve West Ridge Estates Addition. The developer has submitted a new Petition to change the assessment fractions to an equal share per lot basis. The signatures on the Petition represent 100% of the improvement district.

The previous Petition contained different assessment fractions for various lots. The new Petition divides the assessment equally among all lots. An Amended Resolution has been prepared that corresponds to the new Petition.

The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district.

Motion --

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried

-- carried

7 to 0.

RESOLUTION NO. R-01-024

A Resolution amending Resolution No. R-00-193 pertaining to the construction of Storm Water Drain No. 153 (south of 29th Street North, east of 119th Street West) Project No. 468-83104, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Design Council/City Arts, 12-21-2000

District V Advisory Board, 11-6-2000, 12-4-2000

District II Advisory Board, 12-4-2000, 12-18-2000

Deferred Compensation Board of Trustees, 12-8-2000

Police & Fire Retirement System, 10-25-2000

Board of Park Commissioners, 12-11-2000

Board of Code Standards and Appeals, 12-4-2000

Library Board 12-19-2000

Wichita-Sedgwick County Board of Health, 12-14-2000

Wichita Historic Preservation Board Agenda, 1-10-2000, 2-19-2000, 3-13-2000, 4-10-2000, 5-8-2000, 6-12-2000, 7-10-2000, 8-14-2000, 9-11-2000, 10-9-2000, 11-13-2000

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES STREET CLOSURE - ROCK ROAD, SOUTH OF 45TH STREET NORTH. (District II)

Agenda Report No. 01-0123.

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Wildcat Construction Company, Inc. has contracted to replace a sanitary sewer main in Rock Road between 45th Street North and the UPRR crossing approximately ¼ mile south of 45th Street North. Rock Road is a two-lane arterial in this area and the project specifications require the Contractor to maintain northbound traffic through the work area. The Contractor has scheduled to begin this work on Wednesday, January 24th and expect the project to be completed near February 14th.

During the project southbound Rock Road traffic will be detoured using 45th Street North, Woodlawn and 37th Street North. The Contractor is responsible for construction barricades, detour signing and notification of affected businesses and residents.

Motion -- carried Knight moved that the street closure request be approved. Motion carried 7 to 0.

DESIGN SERVICES SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR MAPLE FROM MAIZE TO 135TH STREET WEST. (District V)

Agenda Report No. 01-0075.

On February 9, 1999, the City entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for the design of Maple from Maize to 135th Street West. The fee was \$156,000. On October 12, 1999, the City Council approved Supplemental Agreement Number 1 which required SRB to design minor relocations of a sixteen-inch water line in Maple between Maize and 119th Street West. The fee was \$3,500. On June 27, 2000, the City Council approved Supplemental Agreement Number 2 which required SRB to design a new bridge on Maple between 135th Street West to 119th Street West. The fee was \$43,605. On December 12, 2000, the City Council approved Supplemental Agreement Number 3 which required SRB to provide construction engineering services for the landscaping on Maple from Maize to 119th Street West. The fee was \$3,100.

SRB has been asked to design a 24" water line in Maple between 135th Street West to 119th Street West. Supplemental Agreement Number 4 has been prepared.

Payment will be on a lump sum basis of \$25,600 and will be paid by Water Utility Operating Revenues.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary
-- carried signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING SERVICES FOR SENECA AND MCCORMICK INTERSECTION - LANDSCAPING. (District IV)

Agenda Report No. 01-0076.

On June 7, 1994, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for the design of Seneca and McCormick intersection. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering services for the landscaping of Seneca and McCormick. To insure that the landscaping is installed in accordance with the landscape plan and overall design concept, staff recommends MKEC be employed to inspect the landscaping placement and planting.

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Payment will be on a lump sum basis of \$3,900 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

D.V. SERVICES

CONTRACT FOR DOMESTIC VIOLENCE SERVICES.

Agenda Report No. 01-0078.

Since 1990, the City of Wichita has provided services to victims of domestic violence through a Victim Advocate Program. In 1995, the Wichita/Sedgwick County Domestic Violence Coalition reviewed the present program and made a number of recommendations concerning changes. One of the recommendations was that the Advocacy Program should be financially supported by sources other than the City of Wichita; however, the Coalition believed the City should continue to provide some level of support. As a result of this recommendation, private agencies have provided more of the services under the Advocacy Program and the City of Wichita has contracted with an agency to assist in this effort. Kansas Legal Services, Inc., has been providing these services during 1999 and 2000, and the most recent contract expired on December 31, 2000.

Kansas Legal Services, Inc., has agreed to continue for an additional year the services of a paralegal who will work in the Victim Advocacy Program to assist in the coordination of advocacy services to domestic violence victims. The cost to the City will be \$26,380 for salary and benefits for the contractor's employee and \$620 for office supplies, for a total contract amount of \$27,000. There is no increase in the amount charged for these services over the 2000 term of the contract.

Funds in the amount of \$27,000 have been approved in the Department of Law budget for purposes of paying for the services to be provided during the term of the new, 2001 contract.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

CHANCE

CLOSING AGREEMENT - IRB SERIES VII, 1991 - CHANCE PROPERTIES. (District IV)

Agenda Report No. 01-0079.

In March of 1997, the City received notification that, as part of a national random audit program, the City of Wichita IRB Series VIII, 1991 bond issue had been randomly selected to check the compliance of the bond issue against a myriad of technical requirements applicable to qualified small-issue industrial development bonds. For some time, the IRB Tenant and IRS have been engaged in a dispute as to whether capital expenditure limits set by the Tax Code were exceeded due to some expenditures imputed from parties related to the Tenant, and other factors. Now, the IRS and the Tenant have negotiated an agreement (the "Closing Agreement") under which the IRS will close the audit without seeking to tax interest received by bondholders, in exchange for a negotiated payment from the Tenant. Because the City was Issuer of the Bonds, IRS requires that the City approve and sign the Closing Agreement, even though all sums due thereunder will be paid by the Tenant.

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The proposed Closing Agreement appears to be in the interest of bondholders, in that it will protect the tax status of interest paid on the Bonds. As a result of closing the audit with no adjustment, bondholders will be left in the same tax position as if IRS had never drawn this project for audit.

The Closing Agreement will be without cost to the City, as the Tenant will pay all sums to be remitted to the IRS thereunder.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES, AUBURN HILLS 12TH ADDITION - WEST OF 135TH STREET WEST, SOUTH OF MAPLE. (District V)

Agenda Report No. 01-0080.

The City Council approved the project on November 14, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Auburn Hills 12th Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$86,800, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES, RIDGE PORT AND RIDGE PORT THIRD ADDITIONS - EAST OF RIDGE ROAD, NORTH OF 29TH STREET NORTH. (District V)

Agenda Report No. 01-0081.

The City Council approved the project on October 17, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Ridge Port and Ridge Port 3rd Additions. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$27,500, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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DESIGN SERVICES **AGREEMENT FOR SAWMILL CREEK ADDITION - EAST OF ROCK ROAD, NORTH OF 45TH STREET NORTH.** (District II)

Agenda Report No. 01-0082.

The City Council approved the project on December 19, 2000.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of bond financed improvements in Sawmill Creek Addition. Per Administrative Regulation 7a, staff recommends the selection of SRB because SRB provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$79,747, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES **SUPPLEMENTAL AGREEMENT FOR WICHITA STREET - LEWIS TO DEWEY.** (District I)

Agenda Report No. 01-0083.

On January 25, 2000, the City entered into an Agreement with Baughman Company, P.A. for the design of Wichita Street from Lewis to Dewey, including the intersection of Dewey and Wichita Street. The fee was \$42,000.

The project took on several new developments as it went through the design process. Baughman was required to perform additional design work beyond what was initially contemplated. To accomplish this additional design, a Supplemental Agreement has been prepared.

Payment will be on a lump sum basis of \$30,000 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

STREET PAVING **CHANGE ORDER: STREET PAVING IN WILLOWBEND NORTH ESTATES - SOUTH OF 45TH STREET NORTH, WEST OF ROCK ROAD.** (District II)

Agenda Report No. 01-0084.

On August 24, 1999, the City Council approved a project to pave streets and install a drainage system for Willowbend North Estates, a new single-family subdivision. A portion of the storm sewer pipe and ditching is located within City of Bel Aire street right-of-way. Work was suspended and the Contract quantities were reduced and a previous Change Order due to a delay in receiving permission from Bel Aire. Bel Aire has finally agreed to permit the drainage piping to be built within public street right-of-way. A second Change Order is now required so the Contractor can return to the site and complete the work.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

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The total cost of the additional work is \$33,792. The funding source is special assessments. The cost is largely offset by the previous under-run of work quantities.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RIVER BANK IMP. ARKANSAS RIVER BANK IMPROVEMENTS – MCLEAN BOULEVARD AND LAWRENCE-DUMONT STADIUM. (District IV)

Agenda Report No. 01-0085.

In accordance with Resolution No. R-99-542, the Mayor and City Council approved the selection of architectural/design firm HOK Sport to design and construct modifications to Lawrence-Dumont stadium's outfield walls and bordering areas intended to significantly improve the area's overall appearance, integrate the stadium into the concepts of the Riverbank Master Plan, and enhance that section of the riverbank as a year-round attraction.

HOK plans are designed to develop McLean Boulevard, the river bank and Lawrence-Dumont stadium into where river walk bicyclists and pedestrians can enjoy Wichita's skyline in conformance to the Master Plan for Riverbank Improvements. Work needs to commence in January 2001 to be completed by the beginning of the 2001 baseball season.

The 2001 CIP for River Corridor Improvements (CA-9213) includes \$1,000,000 designated for improving the appearance of the McLean Boulevard landscaping and the riverbank area surrounding Lawrence-Dumont Stadium. Upon approval of the project by Council, Staff will advertise for proposals and seek Council approval to begin the work promptly.

Motion --
-- carried

Knight moved that the project be authorized and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-025

A Resolution amending Resolution No. 98-493 for improvements to the Arkansas Riverbank (472-82799) by increasing the Bonding Authority Section in Section 3 thereof from \$4,346,000 to \$5,346,000, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

LAW-DUMONT LAWRENCE-DUMONT STADIUM AND ARKANSAS RIVER BANK – MCLEAN BOULEVARD IMPROVEMENTS. (District IV)

Agenda Report No. 01-0086.

On August 22, 2000, The Mayor and City Council approved the selection of architectural/design firm HOK Sport to design and construct modifications to Lawrence-Dumont stadium's outfield walls to expand the playing field, significantly improve its overall appearance, integrate the stadium into the concepts of the Riverbank Master Plan and enhance that section of the riverbank for tourists. The

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present dimensions of the Lawrence-Dumont ballfield do not comply with the Royal's major league baseball standards and must be expanded to insure continued team sponsorship. Additionally, the existing stadium's outfield walls are unsightly and deteriorating, and do not conform to the proposed riverbank appearance improvements.

This work is required to enable Lawrence-Dumont Stadium to conform to the playing, dimensional and lighting standards established for minor league baseball and to comply with the aesthetic improvements to the McLean Boulevard landscaping required in the Master Plan for Riverbank Improvements. Work needs to commence in January 2001 to be completed by the beginning of the 2001 baseball season. Upon approval of the project by Council, Staff will advertise for proposals and seek Council approval to begin the work promptly.

Previously approved projects authorized expenditures of \$1,707,000. The 2001 Capital Improvement Program contains a budgeted amount of \$2,000,000. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the project be authorized and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-026

A Resolution amending Resolution No. 99-336 for repair and renovation at Lawrence-Dumont Stadium by increasing the Bonding Authority in Section 1 thereof from \$1,707,000 to \$3,707,000, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(Agenda Item #21)
RIVER STUDY

ARKANSAS RIVER STUDY - SELECTION OF CONSULTANT.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0087.

KDHE designated portions of the Arkansas River impaired by fecal coliform which impacts river quality and periodically threatens recreational use of the river. Water quality testing this spring, along the urban segments of the Arkansas River, indicated elevated levels of fecal coliform which led to the cancellation of a River Festival event. Water quality impairments on the Arkansas River have resulted in a renewed community focus toward addressing environmental issues relating to the Arkansas River. The City, in cooperation with the Kansas Department of Health and Environment, expanded sampling and monitoring of the river and collaborated on an Arkansas River symposium attended by over 200 participants. The symposium featured nationally known speakers on river water quality issues. One of the critical components of the symposium was to solicit ideas and priorities from the participants. One of the main priorities and recurring theme of the symposium was the need to better identify and quantify the environmental sources impacting the river.

In response to these concerns, staff solicited proposals from nationally known and qualified environmental firms seeking their approach to assessing and identifying pollution sources in the river. The firms were asked to develop an assessment plan (phase 1) and a remediation plan (phase 2) to address Arkansas River water quality.

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The Phase 1 component of the proposals requested that a plan be developed to assess data, and measure and identify sources of pollution impacting the river. Phase 1 also asked for the analysis of the fate and transport of bacteria, development of cost effective control plans for "hot spots" or areas of highest bacteria loading, assistance in the development of a public education program, and participation in stakeholder meetings.

Phase 2 of the proposal request is for the development of a Water Quality Improvement Plan to reduce or eliminate sources of pollutant bacteria. This plan would include plans for corrective measures and/or best management practices for reducing pollutant loading, development of pilot studies (if needed), and additional public awareness/education measures.

The four firms submitted proposals, were reviewed and subsequently interviewed by a staff-citizen screening and selection committee. The committee recommended HDR Engineering. Staff further recommended that only Phase 1 be undertaken at this time. Once the preliminary work is completed, an evaluation of the findings can be reviewed in order to determine how to approach Phase 2.

Cost of the Phase 1 will be determined during the negotiation of the contract. Congress, through a recent appropriation, has earmarked \$300,000 specifically for this type of assessment and planning activity. Funding is available to the City of Wichita through the Environmental Protection Agency.

The Law Department will participate in the contract negotiations for this project.

Motion --
-- carried

Knight moved that the project be approved and Staff be authorized to select a consultant. Motion carried 7 to 0.

PARK IMP.

CENTRAL RIVERSIDE PARK IMPROVEMENTS AND MODIFICATIONS. (District VI)

Agenda Report No. 01-0088.

November 14, 2000 the architectural firm Wilson Darnell Mann was employed to design improvements and renovations to the buildings and grounds of Riverside Park to meet the needs of current park users and to expand public use of the park. These designs for additional public attractions and existing facility improvements are being developed in accordance with the Riverside Park System Master Plan and the Design Board.

Construction of improvements will begin following approval by the City Council based on an approved budget of \$500,000. The amended Capital Improvement Program budgeted an additional \$4,500,000 for this project. Staff is requesting approval to initiate \$2,500,000 budgeted in 2001 and 2002. This work is required to improve Riverside Park's functionality and service to park users and area residents.

The 2000 through 2002 CIP have a total of \$3,000,000 budgeted for Riverside Park improvements and renovations. Upon approval of the project by Council, Staff will advertise for proposals, and seek Council approval to award contracts to begin the work promptly.

Motion --
-- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-01-027

A Resolution approving the Central Riverside Park Improvements and Modifications, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

FLOOD MAPPING COWSKIN CREEK FLOOD INUNDATION MAPPING. (District V)

Agenda Report No. 01-0089.

The U.S. Geological Survey (U.S.G.S.) has notified the City that they currently have funding to install a streamflow gauging station on Cowskin Creek at 119th Street as a part of the National Streamflow Information Program. The real time information from the gauging station will be available to citizens at the U.S.G.S. website. To compliment this gauge, the U.S.G.S. is also proposing a pilot project to provide flood inundation mapping of the Cowskin Creek floodplain in the City. This mapping project would be a cooperative effort between the City of Wichita and the U.S.G.S.

The flood inundation mapping would essentially show what areas of the Cowskin Creek floodplain would be inundated at the various 119th Street gauge water levels. This information would be available to citizens at the U.S.G.S. website. The real value of the system is that when the National Weather Service issues a forecasted flood stage at 119th Street, emergency management officials and citizens would have a more reliable tool to predict what would flood. Thus, this would avoid unnecessary evacuations.

The total cost of this program is \$188,800. U.S.G.S. will provide \$67,900 and the remaining \$120,900 is to be provided by the City of Wichita. This project is included in the 2001 Capital Improvement Program at a funding level of \$144,000.

Motion --
-- carried

Knight moved that the Agreement be approved; the Resolution be adopted; and the signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-028

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for flood inundation mapping in the Cowskin Creek Drainage Basis (SW 861010), presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SANITARY SEWER REPLACEMENT OF EXISTING SANITARY SEWER SYSTEM IN PLANEVIEW. (District III)

Agenda Report No. 01-0090.

The Planeview area was developed by the federal government in the early 1940s to provide temporary housing to aircraft workers during World War II. After the war, the federal government sold the properties to individuals for residential housing and the City annexed Planeview in 1955. The area's sewer system was not constructed to meet permanent utility standards. Sewer mains were sized too small and manholes were not constructed to provide sufficient access for emergency or routine maintenance. Although Planeview comprises less than two percent (2%) of the City sewer system, approximately fifteen percent (15%) of the system stoppages occur in that area.

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Capital Improvement Program, Planeview Sewer Reconstruction (CIP #S-331), has a budget of \$500,000 for 2001. The project will be funded from Sewer Utility revenues and reserves and/or a future revenue bond issue.

Motion --
-- carried

Knight moved that the project and Notice of Intent to Publish be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-029

Notice of Intention to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City of Wichita, Kansas, and to issue Revenue Bonds, in a total principal amount which shall not exceed \$500,000 for the purpose of paying certain costs thereof, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SANITARY SEWER RECONSTRUCTION AND REHABILITATION OF SANITARY SEWERS.

Agenda Report No. 01-0091.

The sanitary sewer system is maintained by the Sewer Maintenance Division of the Water & Sewer Department. Preventive maintenance includes the use of closed circuit cameras in evaluating the older sewer lines. The sewer lines that are in the worst condition are scheduled for reconstruction or rehabilitation.

The reconstruction and rehabilitation of sanitary sewers program helps eliminate stoppages, backups, failures, reduces inflow and infiltration into the system, reduces maintenance costs, and inconvenience to customers.

This project is included in the CIP #S-4, Reconstruction of Old Sanitary Sewers, and is budgeted for \$3,400,000 in 2001. The project will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion --
-- carried

Knight moved that the project, 2001 expenditures and Notice of Intent to Publish be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-030

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$3.4 Million, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

IRB - CIC

IRB - CIC INDUSTRIES, INC., PURCHASE OPTION. (District I)

Agenda Report No. 01-0092.

On October 5, 1982, the Wichita City Council approved the issuance of \$1 million in Industrial Revenue Bonds, Series XXI, 1982, for the purpose of purchasing and constructing an industrial project located at East 21st Street North.

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Under the provisions of Sections 14.1 and 14.2 of the Lease Agreement for the bond series, CIC Industries, Inc, has the option, if all outstanding bonds have been paid, to purchase the facility from the City of Wichita for the sum of \$100. Following, upon receipt of Trustee certification that the bonds have been paid and receipt of \$100 from CIC Industries, Inc., the City is to deliver the instruments needed to reconvey the bond financed property to CIC Industries, Inc., and terminate the IRB lease. The City has already received payment of the \$100 purchase option price.

Under the terms of the Lease, the City is required to convey the personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by Bill of Sale, once all the conditions established in the Lease have been met.

Motion --

-- carried

Knight moved that the bond call be ratified; the Bill of Sale and the Termination of Lease Agreement be approved; the Resolution be adopted; and the signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-031

A Resolution, ratifying the bond call, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

TRANSIT COACHES. PURCHASE OF TRANSIT (BUS) COACHES.

Agenda Report No. 01-0093.

The existing 1980 and 1983 transit buses have exceeded their useful life. Wheelchair lifts on current 1980 buses are old and costly to maintain. The 1983 buses have no wheelchair lift capability. This purchase will make fixed route service entirely accessible. An analysis of passenger loads indicates smaller sized buses are needed as opposed to 40-foot buses. Consequently, the larger 40-foot buses will be replaced with smaller 35-foot and 30-foot buses. It is proposed to replace twenty-four (24) 1980 40-foot buses and fifteen (15) 1983 35-foot buses.

The Evaluation and Selection Committee reviewed all proposals. Each proposal was evaluated on the following criteria, in order of importance: specifications criteria, pricing, life cycle costing, product support and quality, delivery schedule, management plan, and manufacturing capability. Based on these criteria, Gillig Corporation was selected for twenty-five (25) 35-foot Standard Floor Phantom Buses at \$263,937 per bus, and nine (9) 35-foot Low Floor Buses at \$259,818/bus. Chance Coach, Inc. was selected for five (5) 30-foot OPUS Low-Floor Buses at \$232,211/bus. Options are also available for up to five years for additional vehicles as may be required.

The total cost of the 39 buses, spare parts, proprietary tools and equipment is \$10,255,994 on a phased delivery basis. Ultimately \$7,980,000 is expected to be paid from the federal FTA funding, slightly more than \$2 million from state KDOT

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funding, and approximately \$200,000 from the Transit fund balance. Not all of the FTA or KDOT grant awards have been made at this time, nor has full approval been received to direct \$1.5 million of the KDOT funds to bus purchases. However, the City can reasonably expect the necessary approvals and awards to implement the bus purchase plan. A bonding ordinance has been prepared to provide umbrella financing for the entire purchase so the purchase award can be made immediately and to permit the City to handle the cash flow on the purchase, including temporary note financing if required, so that the buses can be secured at the earliest possible delivery date with grant financing forthcoming when available.

The Law Department has prepared the bonding resolution, and will review and approve the purchase contract as to form.

Motion --
-- carried

Knight moved that the purchase be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance determining the necessity for acquiring new buses for the City of Wichita's Metropolitan Transit authority, together with certain spare parts, proprietary tools and equipment, and providing that the cost of said acquisition shall be paid by the City of Wichita, Kansas, at large through the issuance of General Obligation Bonds of the City of Wichita, Kansas under the authority of Charter Ordinance No. 143, of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SECTION 8

APPLICATION FOR SECTION 8 VOUCHERS.

Agenda Report No. 01-0094.

On December 13, 2000 the Department of Housing and Urban Development (HUD) issued a notice of Funding Availability for approximately \$452,907,000 in one-year budget authority for approximately 79,000 vouchers. Under the fair share allocation, the state of Kansas has been allocated 626 vouchers.

The Section 8 wait list currently lists 1,994 families needing rental assistance and has been closed for over 2 years except for elderly, non-elderly disabled, and handicapped. While HUD encourages housing authorities to use the vouchers available under this NOFA for disabled and other special needs groups, this NOFA provides an opportunity for additional vouchers for non-targeted populations.

The NOFA specifies that any housing authority may apply for no more than 25% of the fair share for the state in which it is located. Therefore, the Wichita Housing Authority may apply for 156 of the 626 allocated to the state of Kansas.

This is a competitive NOFA, so the WHA will be competing on the basis of: 1) need; 2) efforts to provide area-wide housing opportunities; 3) the HA's commitment to use part of the vouchers for disabled families; and 4) the HA's commitment to use part of the vouchers for disabled families who are also receiving Medicaid Home and Community Based Services.

If the housing authority receives 156 vouchers, the additional vouchers will produce approximately \$745,000 in HAP payments annually. The Housing Authority will also earn Administrative Fees of approximately \$75,000.

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Motion -- Knight moved that the submission of applications be approved and the signatures
-- carried be authorized. Motion carried 7 to 0.

(Agenda Item #29)

WAIVER OF FEES

WAIVER OF FEES IN-LIEU OF ASSESSMENTS.

This Item was pulled from the Agenda to be placed on February 6, 2001, Agenda.

TENNIS CENTER

TENNIS CENTER PLAN AND CONCEPT PLANS. (District VI)

Agenda Report No. 01-0096.

The City has a capital budget for the renovation and expansion of the Tennis Center in Riverside Park. This project includes both public and private funding. To facilitate the private fund raising efforts, an initial phase schematic of the planned renovation and expansion is necessary to show prospective donors concepts of the proposed project.

The \$75,000 cost for the preparation of the concept/schematic can be funded from under-expenditures in the 2000 General Fund. This cost may be paid from the 2000 year-end savings, thereby increasing future year capital resources for other projects. These project costs would have been financed in the future from the CIP. Approval of this project would advance fund pending project expenses. To the extent these cost can be financed from the operating budget, the future capacity of the capital budget is protected or even increased. The budget adjustment would allow the funding to be transferred from the General Fund into a project account for the prescribed purpose.

Compliance with State budget requirements have been met, since the proposed budget adjustments are within the General Fund, and the final 2000 expenditure totals, after the adjustment, will not exceed the legally adopted 2000 expenditure authorizations.

Motion -- Knight moved that the expenditure and the budget adjustment to facilitate fiscal
-- carried year-end closing be approved. Motion carried 7 to 0.

FIRE RESCUE VEH. FIRE RESCUE VEHICLE REPLACEMENT.

Agenda Report No. 01-0097.

City Fire has a Fire Rescue vehicle that is used to support specialized search and rescue missions. The current vehicle is aged (a 1983 body on a 1977 chassis) and in an increasingly dilapidated condition requiring higher maintenance costs to sustain with greater potential for downtime at a point when the vehicle may be required for emergency response. The current vehicles is also not of sufficient size for the new rescue equipment, nor does it allow the firefighter rescue personnel space to change into special gear (e.g., SCUBA suits, etc.). The Fire Rescue vehicle is scheduled for replacement in the Capital Improvement Program at \$386,000. Initiation of the vehicle replacement immediately from year-end budget savings will ensure a more expeditious schedule and continuity in ensuring fire safety resources are available as required for emergency response.

This expenditure is within the 2000 Budget appropriation, and will reduce future year capital budget expenses.

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Compliance with State budget requirements have been met, since the proposed budget adjustments are within the General Fund, and the final 2000 expenditure totals, after the adjustment, will not exceed the legally adopted 2000 expenditure authorizations.

Motion -- carried Knight moved that the budget be approved. Motion carried 7 to 0.

IMAGING

DOCUMENT IMAGING.

Agenda Report 01-0098.

The City has undertaken a major effort to use computer imaging of documents in all City operations to reduce future document retention and storage expenses. This effort has been ongoing in 2000, but is not fully implemented. To continue progress in this effort, it is important to retain the financial resources that were available in 2000 but not expended. The plan is to capture these funds (\$200,000) in a project account that will allow continuation of the project effort into 2001.

This expenditure is within the 2000 Budget appropriation, and will reduce future year operating budget expenses.

Compliance with State budget requirements have been met, since the proposed budget adjustments are within the General Fund, and the final 2000 expenditure totals, after the adjustment, will not exceed the legally adopted 2000 expenditure authorizations.

Motion -- carried Knight moved that the budget be approved. Motion carried 7 to 0.

CITY HALL

CITY HALL REFURBISHMENTS.

Agenda Report No. 01-0099.

The City has undertaken a multi-year plan of renovations to City Hall as part of the City's customer service initiative to improve customer access and use. Renovations to the 2nd and 3rd Floors, as well as the Atrium, are nearing completion. Additional renovations are planned on the 1st Floor to include relocation of the Express pay station for improved customer visibility and access; expansion of the public meeting rooms and Council office spaces making better use of this valuable, but underutilized space; and updating of the City Council Chambers for the conduct of public governance.

Final expenditures have been posted to the 2000 budgets. Under- expenditures in the General Fund (\$775,000) were identified for use as a funding source for a portion of the costs of the renovation work. These project costs would have been financed in the future from the CIP. Approval of this project would advance fund pending project expenses. To the extent these cost can be financed from the operating budget, the future capacity of the capital budget is protected or even increased. The budget adjustment would allow the funding to be transferred from the General Fund into a project account for the prescribed purpose.

Compliance with State budget requirements have been met, since the proposed budget adjustments are within the General Fund, and the final 2000 expenditure totals, after the adjustment, will not exceed the legally adopted 2000 expenditure authorizations.

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Motion -- carried Knight moved that the budget be approved. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 2201 ARKANSAS FOR INTERSECTION IMPROVEMENT PROJECT - 21ST STREET NORTH AND ARKANSAS. (District VI)

Agenda Report No. 01-0100.

The improvement of 21st Street at Arkansas Avenue is included in the 2000 Intersection Improvement Program in the 2000 CIP. As part of this project, 21st Street will be widened and curb radi increased.

These improvements will require the acquisition of a portion a commercial property on the northwest corner of 21st Street and Arkansas, commonly known as 2201 Arkansas. The site contains 33,300 square feet and is improved with a retail building owned and operated by O'Reilly Automotive, Inc. The taking requires 4,100 square feet and requires removal of landscaping and relocation of a sign. The acquisition was appraised at \$22,000 with an additional \$3,500 for the cost to cure damages for a total value of \$25,500. The owner has agreed to sell the property for this amount

The Capital Improvement Program includes funds for Intersection Improvement acquisitions. The funding source is General Obligation Bonds. A budget of \$32,000 is requested. This includes \$25,500 for the acquisition, \$5000 for sign relocation and \$1,500 for closing costs and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the signatures
-- carried authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF A PORTION OF 1445 SOUTH MAIZE FOR THE WEST KELLOGG/TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT. (District V)

Agenda Report No. 01-0101.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval allowed the City to initiate acquisition of needed parcels. One such acquisition is a portion of the property located at 1445 South Maize and is owned by Lloyd Kruckenberg. The site contains 26.39 acres and is currently undeveloped. The tract has no Maize or Kellogg frontage. Access is via a drive onto Maize with an undeveloped ingress/egress easement providing access to Kellogg. The acquisition parcel is an irregular rectangle along the south border of the property containing 39,204 square feet. About 23, 480 square feet of the take is impacted by a barrow easement with 5,439 square feet on the west and 11, 281 square feet on the east being unencumbered.

The take has been appraised for \$9,000 (\$.23 per square foot). A negotiated settlement of \$31,360 (\$.80 per square foot or \$1.88 per unencumbered square foot) was agreed to. This amount is supported by recent transactions in the area.

Funds have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$32,000 is requested. This includes \$31,360 for the acquisition and \$640 for closing costs and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the signatures
-- carried authorized. Motion carried 7 to 0.

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PROPERTY ACQ. ACQUISITION OF 8144 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 01-0102.

In October of 1998, staff was instructed to pursue purchases on an opportunity basis or to preserve the corridor along East Kellogg. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003 with active acquisition of right-of-way occurring starting this year. The property at 8144 East Kellogg is in this corridor. The site contains approximately 20,000 square feet and is improved with a 1,544 square foot retail facility. The improvements were constructed to house a Taco Grande restaurant and are now leased and occupied by Nature's Way. The proposed improvements to Kellogg will extend approximately ten feet into the building.

The property (as currently configured) has been appraised at \$250,000. The owner has agreed to sell the property for \$255,000. The tenant is currently renting the property on a net basis for \$2,225 per month and they are expected to remain in occupancy. This will allow the City to realize lease income during the pre-construction period. Early acquisition will eliminate relocation costs for the owner. The acquisition consultant for East Kellogg has reviewed this proposal and has recommended its acquisition.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$270,000 is requested. This includes \$255,000 for the facility acquisition, \$10,000 for demolition, and \$5,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 8300 EAST KELLOGG. (District II)

Agenda Report No. 01-0103.

In October of 1998, staff was instructed to pursue purchases on an opportunity basis or to preserve the corridor along East Kellogg. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003 with active acquisition of right-of-way occurring starting in late 2001. The property at 8300 East Kellogg is in this corridor. The site contains approximately 107,300 square feet and is improved with a 152-room motel facility (Williamsburg Inn). The improvements are located in two frame buildings; the west building contains 110 rooms and was previously franchised as a Ramada Inn. The east building has 42 rooms and was a Rodeway Inn. The proposed improvements to Kellogg will extend approximately ten feet into the west building.

The property (as currently configured) has been appraised at \$2,390,000. The owner has agreed to sell the property for \$2.4 million. The owner will lease the property from the City for \$4,000 per month until such time as the site is needed for the highway project. This arrangement will allow the City to realize lease income during the pre-construction period without any associated leasing risks. The early acquisition will eliminate relocation costs that are accrued during project acquisition. The acquisition consultant for East Kellogg has reviewed this proposal and recommends the purchase at this price.

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The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$2,450,000 is requested. This includes \$2,400,000 for the facility acquisition, \$40,000 for demolition, and \$10,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget, Contract, and Lease be approved; and the signatures authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES:

(First read December 19, 2000)

a) Master Telecommunications

ORDINANCE NO. 44-845

An Ordinance authorizing the grant of franchises to telecommunications and open video system providers to construct, operate, and maintain communications systems using the right-of-way in the city of Wichita, Kansas, prescribing the terms and conditions of said grants; creating Chapter 3.93 of the code of the city of Wichita, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried

7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

(First read January 9, 2001)

b) Restructuring the Housing Advisory Board.

CHARTER ORDINANCE NO. 185

1) A Charter Ordinance repealing Charter Ordinance No. 62, and Sections 6 and 7 of

Charter Ordinance No. 119 of the City of Wichita, Kansas, exempting the City of Wichita, Kansas, from the provision of K.S.A. 1977 Supp. 17-2341, relating to the Board of Commissioners of the Housing Authority of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

ORDINANCE NO. 44-846

2) An Ordinance creating new Sections 2.12.1170, 2.12.1172 and 2.12.1175 creating

the Housing Advisory Board, and pertaining to the duties, composition, and organization of the Board, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

c) ZON2000-00028 – south of Central, east of Greenwich. (District II)

ORDINANCE NO. 44-847

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. ZON2000-00028

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d) ZON2000-00053 – south of Waterman, east of Ellson. (District II)

ORDINANCE NO. 44-848

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. ZON2000-00053

e) ZON2000-00058 –south of 9th Street North and west of Hillside. (District I)

ORDINANCE NO. 44-849

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.. ZON2000-00058

f) DR00-08 – Amendments to the Wichita-Sedgwick County Subdivision Regulations.

ORDINANCE NO. 44-850

An Ordinance amending the “Wichita-Sedgwick County Subdivision Regulations, January 28, 1999 Edition”, prepared by the Metropolitan Area Planning Commission, as adopted by reference in City of Wichita Code Section 28.05.010, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 36-37 and 39 through 51 could be considered as consensus Items unless the Council desired to withhold other Items.

Motion -- Knight moved that Planning Agenda Items 36-37 and 39 through 51 be approved as
-- carried consensus Items. Motion carried 7 to 0.

VAC2000-00051 **VAC2000-00051 VACATE UTILITY EASEMENT LOCATED NORTH OF HARRY, EAST SIDE OF SENECA.** (District IV)

Agenda Report No. 01-0104.

Staff Recommendation: Approve vacation of utility easement.
MAPC Recommendation: Approve vacation of utility easement (unanimous)

The applicant is requesting to vacate a utility easement that is interior to property owned by the applicant.

No one spoke in opposition to this request at the MAPC’s advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to a guarantee being submitted for the

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abandonment of the sanitary sewer line, and subject to the applicant granting a temporary easement by separate instrument until abandonment of utility lines is complete; or certifying that the sanitary sewer line has been abandoned before approval by the Wichita City Council. No written protests have been filed. The temporary easement has been submitted.

Motion -- Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

VAC2000-00057 **VAC2000-00057 VACATE TEN-FOOT UTILITY EASEMENTS LOCATED AT PAWNEE AND WEST STREETS.** (District IV)

Agenda Report No. 01-0105.

Staff Recommendation: Approve vacation of 10-foot utility easements.
MAPC Recommendation: Approve vacation of 10-foot utility easements.
(unanimous)

The applicant is requesting to vacate 10-foot utility easements that are interior to property that he owns. The applicant wishes to construct buildings across lot lines.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

Motion -- Knight moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

(Agenda Item #38)

VAC2000-00060 **VAC2000-00060 VACATE PORTION OF PLATTED 25-FOOT UTILITY EASEMENT LOCATED AT THE SOUTHWEST CORNER OF CENTRAL AND CEDAR DOWNS CIRCLE.** (District V)

Motion -- Martz moved that this Item be deferred until the February 6, 2001, meeting. Motion carried
-- carried 7 to 0.

SUB2000-45 **SUB2000-45 PLAT OF MID-CONTINENT AIRPORT SECOND ADDITION LOCATED ON THE NORTHWEST CORNER OF HARRY AND RIDGE ROAD.** (District V)

Agenda Report No. 01-0107.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

This site is zoned SF-6, Single-Family Residential. Municipal services are available to serve the site.

The site is within the noise impact area of the Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

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The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and Plat be approved and the necessary signatures be
-- carried authorized. Motion carried 7 to 0.

SUB2000-46

SUB2000-46 PLAT OF MID-CONTINENT AIRPORT THIRD ADDITION ON THE WEST SIDE OF HOOVER, NORTH AND SOUTH OF PAWNEE. (District V)

Agenda Report No. 01-0108.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

A zone change (Z-3303) from SF-6, Single-Family Residential to LI, Limited Industrial has been approved for the eastern portion of this site subject to platting. Municipal services are available to serve the site.

The site is within the noise impact area of the Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance Z-3303 (Third Addition) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds.
-- carried Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3303 (Third Addition)

SUB2000-47

SUB2000-47 PLAT OF MID-CONTINENT AIRPORT FOURTH ADDITION LOCATED ON THE NORTH SIDE OF K-42 HIGHWAY, ON THE EAST AND WEST SIDES OF RIDGE ROAD. (District V)

Agenda Report No. 01-0109.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (8-0)

A zone change (Z-3303) from LC, Limited Commercial to LI, Limited Industrial has been approved for this site subject to platting. Municipal services are available to serve the site.

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The site is within the noise impact area of the Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance Z-3303 (Fourth Addition) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds.

-- carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3303 (Fourth Addition)

SUB2000-48

SUB2000-48 PLAT OF MID-CONTINENT AIRPORT FIFTH ADDITION LOCATED WEST OF RIDGE ROAD, ON THE NORTH SIDE OF K-42 HIGHWAY. (District V)

Agenda Report No. 01-0110.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

A zone change (Z-3303) from SF-6, Single-Family Residential to LI, Limited Industrial has been approved for this site subject to platting. Municipal services are available to serve the site. A restrictive covenant was provided that ties this lot together with the adjoining lot to the east.

The site is within the noise impact area of the Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The avigational easement and restrictive covenants will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance Z-3303 (Fifth Addition) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick

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County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3303 (Fifth Addition)

SUB2000-49

SUB2000-49 PLAT OF MID-CONTINENT AIRPORT SIXTH ADDITION LOCATED ON THE NORTHWEST AND SOUTHEAST SIDES OF TYLER ROAD, ON THE NORTH SIDE OF K-42 HIGHWAY. (District V)

Agenda Report No. 01-0111.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

A zone change (Z-3303) from SF-6, Single-Family Residential to LI, Limited Industrial has been approved for the portion of this site east of Tyler Road (old alignment) subject to platting. Municipal services are available to serve the site

The site is within the noise impact area of the Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Ordinance Z-3303 (Sixth Addition) be placed on first reading with publication being withheld until such time as the Plat has been recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04.210, introduced and under the rules laid over. Z-3303 (Sixth Addition)

SUB2000-50

SUB2000-50 PLAT OF MID-CONTINENT AIRPORT SEVENTH ADDITION LOCATED ON THE SOUTH SIDE OF KELLOGG, WEST OF MID-CONTINENT AIRPORT ROAD. (District V)

Agenda Report No. 01-0112.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This site is zoned LI, Limited Industrial. Municipal services are available to serve the site.

The site is within the noise impact area of the Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required.

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This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved and the signatures authorized. Motion carried 7 to 0.

SUB2000-79

SUB2000-79 PLAT OF CEDAR VIEW SECOND ADDITION LOCATED ON THE NORTH SIDE OF LINCOLN, EAST OF GREENWICH. (District II)

Agenda Report No. 01-0113.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned SF-6, Single-Family Residential. Although this site is within the City of Wichita, it will use the County's Four Mile Creek sanitary sewer system and petitions for sewer improvements will be handled by the County. Other petitions, all 100%, have been submitted for paving and City water improvements. Both a City and County Certificate of Petitions have also been submitted.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificates of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-01-033

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89526 (north of Lincoln, east of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-01-034

Resolution of findings of advisability and Resolution authorizing improving of Bedford and Bedford Courts in Cedar View Second Addition (north of Lincoln, east of Greenwich), 472-83300, the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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SUB2000-102

SUB2000-102 PLAT OF MESSIAH LUTHERAN SECOND ADDITION LOCATED ON THE SOUTHWEST CORNER OF 12TH STREET NORTH AND RIDGE ROAD.
(District V)

Agenda Report No. 01-0114.

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (9-0)

This plat is zoned SF-6, Single-Family Residential. Municipal services are available to serve the site. This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion --
-- carried

Knight moved that Plat be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

Z-3304

Z-3304 PLAT EXTENSION FOR COMPLETION OF PLAT LOCATED AT THE NORTHEAST CORNER OF 135TH STREET WEST AND CENTRAL AVENUE - 13510 WEST CENTRAL. (District V)

Agenda Report No. 01-0115.

Staff Recommendation: Approve, subject to platting within 1 year.

The applicant has requested an extension for platting of property located at the northeast corner of 135th Street West and Central Avenue. The extension is requested because of extenuating circumstances related to the death of one of the property owners.

Motion --
-- carried

Knight moved that the extension for Platting until February 2, 2002 be approved.
Motion carried 7 to 0.

ZON2000-00049

ZON2000-00049 ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL, LOCATED ON THE NORTHEAST CORNER OF 47TH STREET SOUTH AND WEST STREET. (District IV)

Agenda Report No. 01-0116.

MAPC Recommendation: Approve, subject to platting within 1 year (12-0).
Staff Recommendation: Approve, subject to platting within 1 year.

The applicant is requesting a zone change from "SF-6" Single-Family Residential to "TF-3" Two-Family Residential for a 12.2-acre tract located on the northeast corner of 47th Street South and West Street. The property is currently being platted as the "Angel Fire Addition. The property is undeveloped. This area was recently annexed and is now within the corporate limits for Wichita. The application area is adjacent to Sedgwick County. 47th Street South is the southern boundary between the City and Sedgwick County.

The applicant intends to construct 30 "twin homes" (duplexes) or 60 dwelling units on the site. The application area is a "L" shaped parcel. Duplex development is first permitted in the "TF-3" Two-Family zoning district according to the Unified Zoning Code (UZC). Access to the site will be from one opening along West Street and two openings along 47th Street South per the platting process.

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Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the condition of platting and the Ordinance be forwarded for

-- carried

first reading when the Plat is forwarded to the City Council,. Motion carried 7 to 0.

ZON2000-00052

ZON2000-00052 ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL, LOCATED ON THE SOUTHEAST CORNER OF 53RD STREET NORTH AND ARKANSAS. (District VI)

Agenda Report No.01-0117.

MAPC Recommendation: Approve, subject to staff recommendation (12-0).

DAB Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve, subject to platting within 1 year and the additional provisions of a Protective Overlay.

The applicant requests a zone change from "SF-6" Single-Family Residential to "LI" Limited Industrial on a 3.6 acre unplatted tract located at the southeast corner of 53rd Street North and Arkansas. The subject property has right-of-way on three sides with Arkansas Avenue to the west, 53rd Street North to the north, and the Atchison, Topeka, and Santa Fe rail line to the east. The applicant proposes to develop the site with industrial uses such as a machine shop. The applicant also has offered a protective overlay to limit the permitted uses on the subject property.

The surrounding area is characterized by a mixture of commercial/industrial and residential development. The commercial/industrial development is interspersed among residential development along 53rd Street North. The properties east of the site across the railroad tracks are zoned "LI" Limited Industrial and are primarily developed with industrial uses interspersed with several single-family residences. The properties west of the site across Arkansas are zoned "SF-6" Single-Family Residential and "LC" Limited Commercial and are developed with single-family residences and a vacant commercial business. The properties north of the site across 53rd Street North are zoned "SF-6" Single-Family Residential and are developed with single-family residences. The property south of the site is zoned "SF-6" Single Family Residential and is undeveloped. The applicant owns the property south of the site and has indicated an intention to develop the property with single-family residences.

At the MAPC hearing on December 21, 2000, two nearby property owners spoke against request citing concerns with drainage and the availability of sanitary sewer service. The MAPC voted 12-0 to approve the request subject to platting within one year and the following additional provisions of a Protective Overlay:

1. The following uses shall not be permitted: correctional facility; correctional placement residence, general; correctional placement residence, limited; cultural group; hospital; recycling collection station, private; recycling collection station, public; recycling processing center; reverse vending machine; airport or airstrip; wireless communication facility; funeral home; heliport; hotel or motel; kennel, boarding/breeding/training; marine facility, recreational; microbrewery; monument sales; night club; pawnshop; recreation and entertainment, indoor; recreation and entertainment, outdoor; secondhand store; tavern and drinking establishment; vehicle and equipment sales; outdoor; vocational school; asphalt or concrete plant, limited; asphalt or concrete plant, general; freight terminal; gas and fuel storage and sales;

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landfill; mining or quarrying; oil or gas drilling; research services; rock crushing; solid waste incinerator; storage, outdoor; transfer station; vehicle storage yard; wrecking/salvage yard; grain storage; and adult entertainment.

2. The development of this property shall only be permitted if municipally-supplied water and sewer services are provided.

3. A six-foot high masonry wall shall be constructed adjacent to the south property line. A 15 foot deep landscaped buffer shall be provided along the south property line. The landscaped buffer shall be planted with 1 shade tree or 2 ornamental trees per 30 lineal feet.

4. Light poles shall be limited to a maximum height of 14 feet.

5. Building exteriors shall share uniform architectural character and shall be predominantly earth-tone colors with vivid colors limited to incidental accent. Extensive use of backlit canopies and neon or fluorescent tube lighting on buildings shall not be permitted.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the additional recommended provisions of a Protective Overlay District and to the condition of platting within one year; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council,. Motion carried 7 to 0.

-- carried

ZON2000-00059

ZON2000-00059 ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO MULTI-FAMILY RESIDENTIAL, LOCATED NORTH OF 45TH STREET NORTH AND 3/8 MILE EAST OF ROCK ROAD. (District II)

Agenda Report No. 01-0118.

MAPC Recommendation: Approve MF-18 Multi-Family Residential, subject to platting within 1 year and the additional provisions of a Protective Overlay (10-0).

Staff Recommendation: Deny "MF-18" Multi-Family Residential; approve "TF-3" Two-family Residential, subject to platting within 1 year.

D.A.B. Recommendation: Deny "MF-18" Multi-Family Residential; approve "TF-3" zoning, subject to conditions.

The applicant is seeking "MF-18" Multi-family Residential zoning on property located 3/8 mile east of Rock Road on the north side of 45th Street North. The application area is 3.25 acres in size, and is part of the proposed Sawmill Creek Addition (Block 8, Lot 1). At the time this report was prepared, Sawmill Creek Addition has been approved by the MAPC, but has not received governing body approval. No specific residential use type has been identified for this site at the time this report was prepared. The proposed platted lot has complete access control along 45th Street for the first 150 feet east of the railroad tracks. From that point east, one point of access is to be permitted. At this point in time, no other roadways abut the site.

The Missouri Pacific Railroad is located immediately north of the application area, and creates a dividing "edge" between the application area and the proposed residential use to the north and west. The land located north and west of the railroad tracks is also part of the proposed Sawmill Addition and is proposed for

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single-family residential. This area is zoned "SF-6" Single-family Residential. Land to the east is vacant and is zoned "SF-20" Single-family Residential. Property to the south is zoned "TF-3" Two-family Residential and is currently being developed.

The "MF-18" district would permit up to 58 units in buildings with heights up to 45 feet. Setbacks are as follows: front yard - 25 feet; rear yard 20 feet and street side yard -20 feet.

Normal screening and landscape buffer plantings could be waived along the northern property line, because the site abuts a railroad right-of-way. Along the east line, the code requires either a screening wall or fence, or a 15-foot wide strip with one shade tree or two ornamentals and 5 shrubs every 30 feet. Street yard landscaping would be required along 45th Street. Compatibility setback and height standards are also triggered on uses in the MF-18 and less restrictive zoning districts. A deeper setback of 25 feet will be required along the east property line. No structure shall exceed 35 feet in height within 50 feet of a lot line zoned TF-3 or more restrictive. Structures located more than 50 feet from the lot line of property zoned TF-3 or more restrictive may increase one foot or each three feet of setback beyond 50 feet.

District Advisory Board II heard this case on December 4, 2000, and recommended disapproval of the "MF-18" Multi-family Residential request, but recommended approval of "TF-3" Two-family Residential zoning. DAB members expressed concern regarding the density of development and if the architectural style of the units would fit in with the neighborhood. MAPC reviewed the case on December 7, 2000. The Commission's recommendation to approve "MF-18" Multi-Family Residential zoning subject platting and subject to Protective Overlay No. 84 which limits development density to a maximum of eight dwelling units per acre; height of buildings is limited to 35 feet; and review and approval by the Planning Director of the final design concepts. The Commission's recommendation is a compromise which was intended to address both the applicant's desires and the concerns expressed by neighbors and staff.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to the additional recommended provisions of a Protective Overlay District and to the condition of platting within one year; and the Ordinance be forwarded for

-- carried

first reading when the Plat is forwarded to the City Council,. Motion carried 7 to 0.

A 00-23

A 00-23 RESOLUTION ESTABLISHING A PUBLIC HEARING ON ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH AND SOUTH OF 21ST STREET NORTH, AND EAST AND WEST OF HOOVER TO THE CITY OF WICHITA. (District V)

Agenda Report No. 01-0119.

A Resolution establishing a future public hearing date of April 3, 2001, for consideration of a unilateral annexation was approved. The properties proposed for annexation are located north of 21st Street North and east and west of Hoover.

This is the third phase of a six-phase annexation initiative that began in the spring of 2000. The first phase, which brought 611 acres and 47 properties into the City, was approved on July 18th, 2000. The second phase was approved on November 21st, 2000, and brought 92 acres and 42 properties into the City.

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The subject area for this third phase consists of approximately 56 acres and 36 properties (1 platted and 35 unplatted). The land-use pattern consists of 28 residential tracts, two (2) commercial tracts, two (2) farm related, and four (4) vacant tracts. The land use pattern of the area proposed for annexation is a mix of residential uses, agricultural uses, with some commercial and industrial uses concentrated along Hoover Road. The majority of the subject property is zoned "SF-20" Single-Family Residential, with several areas zoned "LC" Limited Commercial. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation ("SF-10" if requested by property owner and approved by the governing body), while other properties will retain their existing zoning. A 20-acre tract located north of 21st Street and east of Hoover was approved for "IP" Industrial Park zoning by the County Commission in March of 2000, with the Final Plat approved by the Metropolitan Area Planning Commission in October 2000.

The majority of the land proposed for annexation is located within the area identified as "low-density residential", with some "commercial" and "industrial" areas intermixed, according to the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change Land Use Guide Map. Additionally, the proposed annexation area is located within the "2010 Urban Service Area" boundaries found in the Comprehensive Plan amendments. The land use pattern within the annexation area is generally consistent with its land use designation in the updated Plan.

The proposed annexation will allow for the continuation of the City's growth in the northwest part of Wichita. All properties in the proposed annexation area are currently being served by private systems. According to the City Water and Sewer Department, there are City of Wichita water mains located within portions of 29th Street, Hoover Road, and Ridge Road, from which service could be extended. Map #6 also illustrates the size of future water mains to serve this area as development continues in that area.

As for sewer, all of the properties in the proposed annexation area are currently being served by private sanitary sewer systems. Sewer lines are being brought into newer developments surrounding the annexation area from which service could be extended. Much of the area proposed for annexation lies within Sanitary Sewer Basin 4 (bounded generally by the Wichita-Valley Center Flood Control Project, 21st Street North, Maize Road, and 45th Street North). A study was completed in February 2000 to show how sanitary sewer service can be extended to serve Basin 4. Construction of sewer mains has not been scheduled at this time.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area.

The total appraised value of the land and improvements proposed for annexation is \$1,250,880 resulting in an annual City Ad Valorem tax revenue of approximately \$4,790. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex,

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a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --

Knight moved that the service plan be approved and the Resolution setting the hearing date on April 3, 2001, at 7:00 p.m. at the Sedgwick County Extension Office, 7001 West 21st Street

-- carried

North, Wichita, Kansas, be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-01-032

A Resolution declaring an interest in, and establishing a public hearing date, for considering the unilateral annexation of property located north and south of 21st Street North, and east and west of Hoover, to the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A-00-23

(Agenda Item #51a)

**CUP2000-00059
DP195 NO. 8**

**CUP2000-00059 (DP195 AMENDMENT NO. 8) AMENDMENT
K-96 AND WEST OF ROCK ROAD.** (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0122.

MAPC Recommendation: Approve, subject to conditions (12-0).
Staff Recommendation: Approve, subject to conditions.
DAB Recommendation: Approve, subject to conditions. (6-0).

This is an appeal filed by the Planning Director to the Planning Commission's approval of an amendment to the Comotara Power Center CUP (DP-195) to permit outdoor vehicle and equipment sales on Parcel 11. The zoning of Parcel 11 is "LC" Limited Commercial. Outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" Limited Commercial district. When a property is located in a CUP, a Conditional Use request is processed as a CUP amendment.

The applicant submitted a site plan that shows a 1.7 acre vehicle sales lot between Sam's Club and the K-96 freeway. The site plan shows that the vehicle sales lot would hold 165 vehicles, excluding customer parking. A 5,000 square foot sales building is shown, with customer parking located south of the building and employee parking located west of the building. Light standards matching the design of the shopping center parking lot are shown. One sign and 3,900 square feet of landscape area are shown. The CUP also requires a landscape buffer planting of evergreens and shrubs at 1.5 times the requirements of the landscape ordinance along the K-96 on-ramp for Parcel 11. The applicant has indicated that some minor modifications to the site plan may be requested once a final lease agreement is reached.

The character of the surrounding area is predominately commercial along Rock with multi-family uses to the south across K96, and vacant property to the west zoned for multi-family use. The properties north and east of the site are zoned "LC" Limited Commercial and "GC" General Commercial and are developed with various commercial uses that are primarily retail. The property south of the site across K-96

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is zoned "MF-18" Multi-Family Residential and is developed with apartments. The property west of the site is zoned "MF-29" Multi-Family Residential and is undeveloped.

District Advisory Board VI reviewed the case, and voted to approve the request, subject to the conditions recommended by staff, plus additional conditions. One of the conditions was to limit the use to sales of vehicles only, and not vehicle rental or sale or rental of equipment/trailers (although it was not part of the minutes, their intent was probably also to limit the sales to "passenger" vehicles and not large trucks or RVs). The other conditions attempted to guarantee that landscaping would be professionally maintained and irrigated, and that the cars sold would be of a certain minimum quality (staff subsequently researched the conditions for the car lot approved at Rock/Harry, which were referenced by the DAB, and found the one on "quality" was not applicable to this case).

The Planning Commission heard the case, and voted to approve the request without adopting any of the DAB's suggestions. In addition, the applicant's agent brought up a request to permit banners on light poles (the staff had recommended no banners or other similar displays/decorations), and the Planning Commission's action included permission to have those banners.

The City Council normally can vote to reconsider a decision by the Planning Commission on a Conditional Use or an amendment to a Community Unit Plan. However, in this instance, due to the holiday season, the City Council did not have a meeting scheduled within the 14-day time period allowed for such reconsideration. Because of the differences in the conditions voted on by the DAB and the MAPC, the Planning Director chose to exercise his appeal rights, to give the City Council an opportunity to review the decision.

Motion --
-- carried

Pisciotte moved that the CUP Amendment, modifying the conditions as appropriate, including elimination of banners on poles, be approved. Motion carried 7 to 0.

AIRPORT AGENDA

YINGLING

RESOLUTION FOR ISSUANCE OF TAXABLE AIRPORT SPECIAL FACILITY REVENUE BONDS - YINGLING AVIATION, INC.

Agenda Report 01-0120.

On December 19, 2000, the City Council, acting as the Wichita Airport Authority, approved a resolution stating its intent to issue Taxable Airport Special Facility Revenue Bonds wish to finance a \$1.3 million renovation and upgrade to the Yingling Aviation facility located at Mid-Continent Airport. The next step in the bond issuance process is the adoption of a resolution relating the issuance of the bonds which provides for the publication of notices and makes a finding that project income will be sufficient to retire bonded indebtedness.

Yingling Aviation is one of three fixed base operators serving the general aviation public at Wichita Mid-Continent Airport. Yingling subleases a facility on Airport Road that is leased from the Wichita Airport Authority by Cessna Aircraft Corporation. Yingling Aviation is the authorized retail dealer for Cessna airplanes in the Wichita market. Cessna and Yingling Aviation are proposing to substantially renovate and modernize the facility by building a new customer lounge and waiting area; creating new corridors; improving restrooms to ADA standards; expanding parking; creating a new passenger drop-off area with circular drive and canopy;

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installing new energy-efficient hangar doors; updating HVAC equipment; repairing damaged walls; eliminating and/or replacing windows; and upgrading T-hangars.

The proposed improvements will be financed over 20 years with taxable airport special facility revenue bonds which will be purchased by Cessna Aircraft Corporation or an affiliate. The issuance of the bonds will be subject to the applicable standard conditions for the issuance of City industrial revenue bonds, including advertisement for minority contractors, review by the Art and Design Board and submission of a water conservation plan and equal opportunity employment/affirmative action plan.

Yingling and Cessna agree to pay all costs of issuance. The current lease of the Yingling facility will be extended to cover the term of the proposed bond issue at lease rates that are sufficient to cover bond payments as well as lease payments to the Airport Authority.

Documents for the issuance of the Airport Special Facility Revenue Bonds will be prepared by the City's Bond Counsel, Hinkle Eberhart Law Firm L.L.C., and reviewed by the City Attorney's Office. The Resolution will be published three times on consecutive weeks by the City's official newspaper.

Motion --

-- carried

Knight moved that Resolution issuing Taxable Airport Special Facility Revenue Bonds for Yingling Aviation, Inc., in an amount not to exceed \$1.3 million, be adopted. Motion carried 7 to 0.

RESOLUTION NO. A-01-001

A Resolution for a project to be leased to Cessna Aircraft Company for the beneficial use of Yingling Aircraft, Inc., presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

EXECUTIVE SESSION

Motion --

-- carried

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to pending and potential litigation, legal advice, contract negotiations; personnel matters of non-elected personnel; preliminary discussions relating to the acquisition of real property for public purposes; and that Council return from executive session no later than 1:30 p.m. Motion carried 7 to 0.

RECESS

The City Council recessed at 12:26 p.m. and returned at 1:30 p.m.

Vice Mayor Lambke announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 1:30 p.m.

Pat Burnett CMC
City Clerk